

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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In Re: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

: MDL NO. 1456

: Master File No. 01-CV-12257-PBS

THIS DOCUMENT RELATES TO:
(All Actions)
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: Judge Patti B. Saris
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STATUS REPORT

The undersigned counsel for Plaintiffs and Defendants hereby submit the attached status report to the Court.

Respectfully Submitted,

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ON BEHALF OF ALL PLAINTIFFS

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DATED: November 18, 2003

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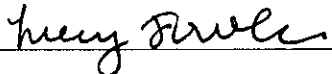
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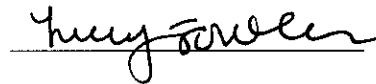
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CERTIFICATE OF SERVICE

I certify that on November 18, 2003, a true and correct copy of the foregoing status report was served on all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to Verilaw Technologies for posting and notification to all parties.

A handwritten signature in cursive script, appearing to read "Lucy Fowler", written over a horizontal line.

Lucy Fowler

MDL 1456 STATUS CHART – GOVERNMENT ENTITY CASES

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
Nevada v. American Home Products, Inc. et al ("Nevada II")	02-CV-12086-PBS	Removed to D. Nev.	<ul style="list-style-type: none"> • Motions to Dismiss filed September 15, 2003 • Briefing ongoing as follows: • Opposition to Motions to Dismiss filed October 10, 2003 • Replies to Motions to Dismiss November 7, 2003 (pursuant to extension granted by Court) • Sur-reply to Motions to Dismiss due November 25, 2003 (pursuant to extension granted by Court) • Hearing on Motions to Dismiss set for December 12, 2003, 2:00 pm
Montana v. Abbott Labs, Inc. et al.	02-CV-12084-PBS	Removed to D. Mont.	<ul style="list-style-type: none"> • Motions to Dismiss filed September 15, 2003 (consolidated briefing ongoing with Motions to Dismiss Nevada v. American Home Products, Inc., et al.) • Hearing on Motions to Dismiss set for December 12, 2003, 2:00 pm
California <i>ex rel.</i> Ven-A-Care of the Florida Keys, Inc. v. Abbott Labs, Inc. et al.	03-CV-11226-PBS	Removed to C.D. Cal.	<ul style="list-style-type: none"> • Notice of Election to Dismiss Rebate Claims filed by plaintiff on October 16, 2003 with amended memorandum of law in support of Renewed Motion to Remand • Briefing ongoing as follows: • Opposition to Motion to Remand filed November 14, 2003 • Reply to Motion to Remand due November 24, 2003 • Sur-reply to Motion to Remand due December 4, 2003 • Hearing on Motion to Remand set for December 12, 2003, 2:00 pm • Briefing on a motion to dismiss will be postponed pending a decision on renewed motion to remand
County of Suffolk v. Abbott Labs, Inc. et al.	03-CV-10643-PBS	S.D.N.Y.	<ul style="list-style-type: none"> • Motions to Dismiss filed September 15, 2003 • Briefing ongoing as follows: • Oppositions to Motions to Dismiss filed October 30, 2003 • Replies to Motions to Dismiss filed November 14, 2003 • Sur-reply to Motions to Dismiss due December 1, 2003 • Hearing on motions to dismiss set for December 12, 2003, 2 pm

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
<i>County of Westchester v. Abbott Labs, Inc. et al.</i> *	n/a	S.D.N.Y.	<ul style="list-style-type: none"> • Notice of Related Action filed with JPML on Sept. 5, 2003 • CTO issued by JPML on October 10, 2003 • Objection to transfer filed by Gilead Sciences, Inc. with respect to the case against Gilead only; Motion to Vacate CTO with respect to the claims against Gilead filed by Gilead on November 12, 2003 • Stipulation in place extending defendants' time to answer until 30 days after decision on motions to dismiss Suffolk County complaint
<i>County of Rockland v. Abbott Labs, Inc. et al.</i>	n/a	S.D.N.Y.	<ul style="list-style-type: none"> • Unopposed Notice of Related Action filed with JPML on Sept. 30, 2003 • CTO issued by JPML on October 10, 2003; action automatically transferred to this Court since no objection was filed • Stipulation in place extending defendants' time to answer until 30 days after decision on motions to dismiss Suffolk County complaint

* Transfer to MDL 1456 in progress.

MDL 1456 STATUS CHART – PRIVATE CLASS CASES

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
In re Pharmaceutical Industry Average Wholesale Price Litigation	Master File 01-CV-12257-PBS	D. Mass. pursuant to JPML Order	<ul style="list-style-type: none"> • Motions to Dismiss the Amended Master Consolidated Class Action Complaint ("AMCC") pending and fully briefed • Plaintiffs' Motion for Leave to Take Additional Limited Discovery pending and fully briefed • Hearing on motions to dismiss set for November 21, 2003, 2 pm • Order pending requiring defendants to file a motion showing good cause why certain portions of certain pleadings filed by plaintiffs should be filed under seal • Deadlines set by CMO 7: <ul style="list-style-type: none"> ◦ Class/Fact Discovery -- March 1, 2004 ◦ Plaintiffs' Expert Reports -- April 1, 2004 ◦ Defendants' Expert Reports -- May 1, 2004 ◦ Expert Depositions -- July 1, 2004 ◦ Class/Sum. Judgmt. Motions -- July 15, 2004 ◦ Class/Sum. Judgmt. Opp. -- July 30, 2004 ◦ Class/Sum. Judgmt. Replies -- August 16, 2004 ◦ Class/Sum. Judgmt. Surreply -- August 30, 2004
			<ul style="list-style-type: none"> • Motion to Remand pending • Hearing on motion to remand held on October 9, 2003 • Court granted motion for jurisdictional ERISA discovery; plaintiff's response to jurisdictional discovery pending • Motion to Dismiss by Unnamed Defendants and Mylan Laboratories pending; Order postpones date for opposition until four days after decision on motion to remand
Rice v. Abbott Labs., Inc. et al.	03-CV-11285-PBS	Removed to N.D. Cal.	<ul style="list-style-type: none"> • Motion to Remand pending • Hearing on motion to remand held on October 9, 2003 • Court granted motion for jurisdictional ERISA discovery; plaintiff's additional responses to jurisdictional discovery pending • Motion to Dismiss by Unnamed Defendants and Mylan Laboratories pending; Order postpones date for opposition until four days after decision on motion to remand
Thompson v. Abbott Labs., Inc. et al.	03-CV-11286-PBS	Removed to N.D. Cal.	<ul style="list-style-type: none"> • Motion to Remand pending • Hearing on motion to remand held on October 9, 2003 • Court granted motion for jurisdictional ERISA discovery; plaintiff's additional responses to jurisdictional discovery pending • Motion to Dismiss by Unnamed Defendants and Mylan Laboratories pending; Order postpones date for opposition until four days after decision on motion to remand

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Turner v. Abbott Labs, Inc. et al.	03-CV-10696-PBS	Removed to N.D. Cal.	<ul style="list-style-type: none"> • Motion to Remand pending • Hearing on motion to remand held on October 9, 2003 • Court granted motion for jurisdictional ERLISA discovery; plaintiff's additional responses to jurisdictional discovery pending • Motion to Dismiss by Unnamed Defendants and Mylan Laboratories pending; Order postpones date for opposition until four days after decision on motion to remand
Congress of California Seniors v. Abbott Labs, Inc. et al.	03-CV-10216-PBS	Removed to C.D. Cal.	<ul style="list-style-type: none"> • Motion to Remand pending • Hearing on motion to remand held on October 9, 2003 • Plaintiff disputes whether it is required to provide jurisdictional discovery
Swanston v. TAP Pharmaceutical Products, Inc. et al.	03-CV-11157-PB	Removed to D. Ariz.	<ul style="list-style-type: none"> • Motion to Remand pending • Hearing on motion to remand held on October 9, 2003 • Additional post-hearing briefing filed by the parties at the Court's request • Court granted request for jurisdictional discovery; plaintiff's additional responses to jurisdictional discovery pending
International Union of Operating Engineers, Local No. 68 Welfare Fund v. AstraZeneca PLC et al.*	n/a	Removed to D.N.J.	<ul style="list-style-type: none"> • Notice of Related Action filed with JPML on July 9, 2003 • CTO issued by JPML on September 9, 2003 • Fully briefed Motion to Vacate CTO pending before JPML • Motion to Vacate set for hearing without argument by JPML on November 20, 2003

* Transfer to MDL 1456 in progress.